

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**PROSERV RESTORATIONS, LLC ET AL.**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 1:24-cv-34-TBM-RPM**

**WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY**

**DEFENDANT**


**AGREED ORDER OF DISMISSAL OF CERTAIN CLAIMS**

**FOR CONSIDERATION BEFORE THE COURT** is the Plaintiffs Proserv Restoration LLC, d/b/a Allstate Restoration as Assignee of Biloxi Apartment Rentals and Biloxi Apartment LLC (“Plaintiffs”) and Defendant Westchester Surplus Lines Company’s (“Defendant”) joint motion for the entry of a dismissal with prejudice as to certain claims of the Plaintiffs stated in the Complaint, specifically, (1) COUNT ONE: Negligence/gross Negligence/reckless disregard for rights of Plaintiff (2) COUNT THREE: Breach of Duty of Good Faith and Fair Dealing Against Defendants; and (3) COUNT FOUR: Bad Faith and Tortious Breach of Contract. [1-1] (Complaint). The Court has been advised that Plaintiffs have agreed to dismiss these claims with prejudice, and Defendant has no objections and consents to and joins in the dismissal with prejudice of these specific claims of the Plaintiffs. The parties acknowledge as does the Court that Plaintiffs’ breach of contract claims remain and are not being dismissed.

**THE COURT HEREBY** finds that the motion is well taken and should be **GRANTED**.

**IT IS THEREFORE ORDERED** that Plaintiffs’ claims in Counts I, III and IV of the Complaint [1-1] which include claims of negligence, gross negligence, reckless disregard for rights of Plaintiffs, breach of duty of good faith and fair dealing and bad faith and tortious breach of contract are dismissed with prejudice by the Plaintiffs.

**IT IS SO ORDERED AND ADJUDGED** this the 28th day of October, 2024.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE

Presented by:

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